IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SA/st. 21742 /2004

Shri Chandrakant Parvati Rajguru .. Appellant
VS.
Maharashtra State, through the Collector, Pune ... Respondent

Ms. Gauri Godse for appellant
Shri S.N. Gawde AGP for respondent no.2.
Ms. Rajashree S. Sawant h/f. Rahul Kate for respondent no.3.

CORAM: D. G. KARNIK **J.**

DATE: 4th December 2006

P.C.:

1. Heard counsel for the appellant and the respondents. Respondent nos. 4 and 5 made an application under section 143 of the Maharashtra Land Revenue Code for having access to their lands by a road over the common boundary of the land of the appellant and the respondent no.6. The Tahsildar allowed the application and granted access by road of 10ft., 5 ft. from the boundary of the land of the appellant and 5ft from the boundary land of the respondent no.6. Aggrieved by the decision of the Tahsildar the appellant filed a suit in the civil court for setting aside or modifying the decision of the Tahsildar. The trial court dismissed the suit. The District court dismissed the appeal. That decision is impugned in this

second appeal.

2. Counsel for the appellant raised two points. She firstly submitted that the 10 ft. , wide road was not required. The road is for passing of the bullock carts. Taking into consideration the width of the bullock cart it cannot be said that the width of the road allowed by the Tahsildar is too wide. She secondly contended that respondent nos. 4 and 5 have no easementary right of way. Section 143 of the Maharashtra Land Revenue Code permits the Tahsildar to grant way having regard to the needs of the cultivators. Section 143 of the Maharashtra Land Revenue Code creates a right, independent of the right of easement under the Easements Act.
3. No other point was urged.
4. For these reasons there is no merit in the appeal which is hereby dismissed.

(D.G. KARNIK J.)

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Civil application no. 1440 of 2006
in
SA/st. 21742 /2004

Shri Chandrakant Parvati Rajguru .. Appellant
VS.
Maharashtra State, through the Collector, Pune ... Respondent

Ms. Gauri Godse for appellant
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In view of the disposal of the second appeal this civil application does not survive and is dismissed.

(D.G. KARNIK J.)